

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
BRANDY L MILLER, Debtor

CHAPTER 13
CASE NO: 19-56707
JUDGE MARIA L. OXHOLM

**TRUSTEE'S OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN**

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E.D. Mich. L.B.R. 3015-3(a) and 11 U.S.C. §1307(c)(5) as follows:

1. The Trustee objects to the debtor's plan language in Section III. B. 1 of the Plan, which requests that the Trustee hold from distribution the sum of \$6,000.00. Debtor's counsel has not provided any authority under the E.D. Mich. L.B.R. 2016-1 to hold this amount. The Trustee requests that we only reserve \$3,500.00 for attorney fees.

2. The Trustee requests that the debtor provide copies of three (3) post-petition pay stubs at least 14 days prior to confirmation.

3. The Plan fails to provide that 100% of profit-sharing funds and/or bonuses received by the debtor during the pendency of the Plan be remitted to the Trustee for distribution among creditors in contravention of 11 U.S.C. 1325(b) and In re Freeman, 86 F.3d 478 (6th Cir., 1996).

4. The debtor's Plan fails to provide that all of the debtor's projected disposable income be utilized to fund the Plan. Specifically, the debtor's Schedule J has overstated the following expense(s) in contravention of 11 U.S.C. 1325(a)(3) and/or 11 U.S.C. 1325(b):

- a. Rent - \$700.00 per month.
- b. Water/Sewer - \$150.00 per month.
- c. Automobile Payment - \$400.00 per month.
- d. Vehicle Insurance - \$200.00 per month.

The Trustee requests that the debtor provide proof of these expenses within fourteen days.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court deny confirmation of the debtor's (s') Chapter 13 Plan.

1/17/2020

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

/S/ TAMMY L. TERRY 

Chapter 13 Standing Trustee

/S/ KIMBERLY SHORTER-SIEBERT (P49608)

/S/ MARILYN R. SOMERS-KANTZER (P52488)

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CERTIFICATE OF MAILING

I hereby certify that on 1.21.2020, a copy of TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN was electronically filed with the Clerk of Court, served electronically to the debtor's(s') attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT
/S/ LATOYA ETHRIDGE
Chapter 13 Standing Trustee Clerk
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